



FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

MAY 15 2006

UNITED STATES DISTRICT COURT

MATTHEW J. DYKMAN
CLERK

SOUTHERN DISTRICT OF TEXAS
OFFICE OF THE CLERK

MICHAEL N. MILBY
CLERK

POST OFFICE BOX 61010
HOUSTON, TEXAS 77208

DATE: May 10, 2006

TO: Clerk, U.S. District Court
District of New Mexico
United States Courthouse
333 Lomas Boulevard, N.W.
Albuquerque, NM 87102

From: M. Lerma, Deputy Clerk

Case No. CR H-06-311M

Your Case No. 05-1849 JH

USA vs Holly Bruner

Enclosed please find all papers pursuant to Rule 5 of the Federal Rules of Criminal Procedure:

- ☒ File (including minutes, orders, etc.)
- ☒ Bonds (Any cash deposited in the Registry will be forwarded under separate cover)
- ☐ Passports
- ☐ Other:
- ☒ Please sign and return a copy of this form in the enclosed envelope.

Rec'd By: _____

Date: _____

cc: Finance Section (if cash deposited in the Registry)

483

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

**U.S. District Court
SOUTHERN DISTRICT OF TEXAS (Houston)
CRIMINAL DOCKET FOR CASE #: 4:06-mj-00311-ALL
Internal Use Only**

MAY 16 2006

MATTHEW J. DYKMAN

CLERK

Case title: USA v. Bruner

Date Filed: 04/28/2006

Assigned to: Magistrate Judge Calvin
Botley

CR 05-1849 JH

Defendant

Holly Bruner (1)
Bond \$25,000 with \$1,500 deposit
TERMINATED: 05/10/2006
also known as
"Q" (1)
TERMINATED: 05/10/2006

represented by **Federal Public Defender**
440 Louisiana
Ste 310
Houston, TX 77002
713-718-4600
Fax: 713-718-4610
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

TRUE COPY I CERTIFY
ATTEST:
Michael N. Milby, Clerk of Court
By: *Mercedes P. L...*
Deputy Clerk

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

SAO (Rev. 8/85) Appearance Bond

UNITED STATES DISTRICT COURT

Southern

District of

District

UNITED STATES OF AMERICA

V.

APPEARANCE BOND

HOLLY BRUNNER

Defendant

Case

H-06-311M

TRUE COPY I CERTIFY

ATTEST:

Michael N. Milby, Clerk of Court

By: Mercedes P. Lerner

Deputy Clerk

Non-surety: I, the undersigned defendant acknowledge that I and my ...

Surety: We, the undersigned, jointly and severally acknowledge that we and our ...

personal representatives, jointly and severally, are bound to pay to the United States of America the sum of

\$ 23,000, and there has been deposited in the Registry of the Court the sum of
\$ 1,500 deposit in cash and Father's Vehicle (describe other
SignatureThe conditions of this bond are that the Holly Brunner

(Name)

is to appear before this court and at such other places as the defendant may be required to appear, in accordance with any and all orders and directions relating to the defendant's appearance in this case, including appearance for violation of a condition of defendant's release as may be ordered or notified by this court or any other United States District Court to which the defendant may be held to answer or the cause transferred. The defendant is to abide by any judgment entered in such matter by surrendering to serve any sentence imposed and obeying any order or direction in connection with such judgment.

It is agreed and understood that this is a continuing bond (including any proceeding on appeal or review) which shall continue until such time as the undersigned are exonerated.

If the defendant appears as ordered or notified and otherwise obeys and performs the foregoing conditions of this bond, then this bond is to be void, but if the defendant fails to obey or perform any of these conditions, payment of the amount of this bond shall be due forthwith. Forfeiture of this bond for any breach of its conditions may be declared by any United States District Court having cognizance of the above entitled matter at the time of such breach and if the bond is forfeited and if the forfeiture is not set aside or remitted, judgment, may be entered upon motion in such United States District Court against each debtor jointly and severally for the amount above stated, together with interest and costs, and execution may be issued and payment secured as provided by the Federal Rules of Criminal Procedure and any other laws of the United States.

This bond is signed on

4/28/06

at

Houston, Texas

Date

Place

X Defendant

Holly a Brunner

Address

79 Camino Valle Santa Fe NM 87150

X Surety

Wayne Brunner

Address

P.O Box 689 China Tx 77613
700 West Railroad Ave

Surety

Address

Signed and acknowledged before me on

4/28/06

Date

Judicial Officer/Clerk

Approve

Carol Butey

AO 466A (Rev. 10/03) Waiver of Rule 5 & 5.1 Heari.

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
FILED
5-3-06
MICHAEL N. MILBY, CLERK
BY DEPUTY

UNITED STATES DISTRICT COURT

Southern

DISTRICT OF

TEXAS

UNITED STATES OF AMERICA

WAIVER OF RULE 5 & 5.1 HEARINGS

(Complaint/Indictment)

v.

HOLLY BRUNNER

Defendant

CASE NUMBER:

14-06-311m

CHARGING DISTRICTS

CASE NUMBER:

05-1849-JH

I understand that charges are pending in the _____ District of NEW MEXICO
alleging violation of 21.846 and that I have been arrested in this district and
(Title and Section)

taken before a judge, who has informed me of the charge(s) and my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) a preliminary hearing (unless an indictment has been returned or information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; and
- (4) Request transfer of the proceedings to this district under Rule 20, Fed. R. Crim. P., in order to plead guilty.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

☒ identity hearing

☐ preliminary hearing

☐ identity hearing but request a preliminary hearing be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

5/3/06

Date

Holly A Brunner
Defendant
Richard D. [Signature]
Defense Counsel

TRUE COPY I CERTIFY

ATTEST:

Michael N. Milby, Clerk of Court

By: Mercedes P. [Signature]

Deputy Clerk

7/14/06 (11/22/91)

COURTROOM MINUTES:

☐ INITIAL APPEARANCE
☐ BOND HEARING
☒ DETENTION HEARING
☐ COUNSEL DETERMINATION HEARING
☐ HEARING CONTINUED ON _____

☒ IDENTITY
☐ PRELIMINARY HEARING

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF TEXAFILED
5-3-06

By MICHAEL N. MILBY, Clerk

OPEN: 10:45 ADJOURN: 10:56

NEW MEXICO - Albuquerque

Case No. 05-1849-JH

THE HONORABLE CALVIN BOTLEY, Presiding
Deputy Clerk: Paul A. Yebernetsky

VERO/Tape No: _____

INTERPRETER PRESENT ☒ No ☐ Yes☒ Other District ☐ Division

CRIMINAL NO. H-06-311M DEFT No. _____ USDJ _____

UNITED STATES OF AMERICA

vs Holly BRUNNER

S
S
S
S
S
S
S

Tim BRLEY, AUS

Richard Ely
(FPO)

Counsel for Defendants Appx - (A), Retd - (R), FPD - (C)

☐ kars. Date of arrest: _____ or ☐ kars:40
☒ kin. Deft first appearance. Deft advised of rights/charges ☐ Probation violator
☐ ☒ Deft ☐ MW ☐ appeared ☒ with ☐ without counsel.

☐ Requests appointed counsel.
☐ kfinaff. FINANCIAL AFFIDAVIT executed.

☐ koaptpd. Order appointing Federal Public Defender.☐ k20appt. Private Counsel appointed, _____☐ Deft advises he will retain counsel. He retained deposit

☒ ko.(bnd.) Bond ☒ set \$ 25,000 ☐ Cash ☐ Surety ☐ 10% ☐ PR for ☐ Unsecured
☐ Surety signatures required Father

☐ kodm. No bond set at this time, 10 day DETENTION ORDER entered.
☐ kodm. ORDER OF TEMPORARY DETENTION PENDING HEARING entered

☐ kodm. ORDER OF DETENTION PENDING TRIAL entered.
☒ kocoadrds. Deft advised of conditions of release.

☒ kbnd. BOND EXECUTED, ☐ BOND CONTINUED (☐ State Authorities.

☐ kloc.(LC) ☐ Deft ☐ MW REMANDED to CUSTODY.☐ ko. Deft ORDERED REMOVED to Originating District.

☒ kwypri. WAIVER of ☐ Preliminary WAIVER of ☐ Detention ☒ kwvr:40hrg. Waiver of Rule 40 Hearing

☐ Court finds PROBABLE CAUSE ☐ ID ☐ PC.

☐ karr. Arraignment set _____ ☐ kdtuhrg. Detention Hearing set _____

☐ kprlxm. Preliminary set _____ ☐ kbodhrg. Bond Hearing set _____

☐ krmkn. Counsel Determination Hearing set _____☐ krmvhr. Identity/Removal Hearing set _____

☐ Deft failed to appear. Oral ORDER for ISSUANCE OF BENCH WARRANT. Bond FORFEITED. (kloc./LR)

☐ See reverse for additional proceedings and attorneys addresses.

TRUE COPY I CERTIFY
ATTEST:

Michael N. Milby, Clerk of Court

By Marcia P. Lerma

Deputy Clerk

FILED
4-29-06
MICHAEL A. BROWN, JR.
BY DEPUTY

TEXAS

A hearing is required whenever the conditions set forth in 18 U.S.C. § 3142(f) are present. Subsection (1) sets forth the grounds that may be asserted only by the attorney for the Government; subsection (2) states that a hearing is mandated upon the motion of the attorney for the Government or upon the judicial officer's own motion if there is a serious risk that the defendant (a) will flee or (b) will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate a prospective witness or juror.

CLERK, U. S. DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

CJA 23

Rev. 5/98

FINANCIAL AFFIDAVIT

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT OR OTHER COURT SERVICES WITH DEFERRED PAYMENT OF FEES

IN THE UNITED STATES ☒ MAGISTRATE ☐ DISTRICT ☐ APPEALS COURT or ☐ OTHER PANEL (Specify below)

IN THE CASE:

U.S.A. v.s. BRUNNER

FOR

AT

S.O. TX

H.O., TX

LOCATION NUMBER

TXSH0

PERSON REPRESENTED (Show your full name)

Holly Brunner

- 1 ☐ Defendant—Adult
 2 ☐ Defendant—Juvenile
 3 ☐ Appellant
 4 ☐ Probation Violator
 5 ☐ Parole Violator
 6 ☐ Habeas Petitioner
 7 ☐ 2255 Petitioner
 8 ☐ Material Witness
 9 ☐ Other

DOCKET NUMBERS

Magistrate

District Court

Court of Appeals

CHARGE/OFFENSE (describe if applicable & check box --) ☐ Felony ☐ Misdemeanor21: 846; 848
18: 1956(2)(1)(A)(i)
14: 9482

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

Are you now ☐ Yes ☒ No ☐ Am Self-Employed

Name and address of employer:

IF YES, how much do you
earn per month? \$IF NO, give month and year of last employment
How much did you earn per month? \$ 0If married is your Spouse employed? ☐ Yes ☐ NoIF YES, how much does your
Spouse earn per month? \$If a minor under age 21, what is your Parents or
Guardian's approximate monthly income? \$Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form
the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? ☐ Yes ☒ No

RECEIVED

SOURCES

IF YES, GIVE THE AMOUNT
RECEIVED & IDENTIFY
THE SOURCES \$

CASH

Have you any cash on hand or money in savings or checking accounts? ☐ Yes ☒ No IF YES, state total amount \$PROP-
ERTYDo you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and
clothing)? ☐ Yes ☒ No

VALUE

DESCRIPTION

IF YES, GIVE THE VALUE AND \$
DESCRIBE IT

DEPENDENTS

MARITAL STATUS

☒ SINGLE
☐ MARRIED
☐ WIDOWED
☐ SEPARATED OR
☐ DIVORCED
Total
No. of
Dependents

List persons you actually support and your relationship to them

OBLIGATIONS &
DEBTSDEBTS &
MONTHLY
BILLS
(LIST ALL CREDITORS
INCLUDING BANKS,
LOAN COMPANIES,
CHARGE ACCOUNTS,
ETC.)APARTMENT
OR HOME:

Creditors

Total Debt

Monthly Paymt.

I certify under penalty of perjury that the foregoing is true and correct. Executed on (date)

SIGNATURE OF DEFENDANT
(OR PERSON REPRESENTED)

Holly A. Brunner

TRUE COPY I CERTIFY

ATTEST:

Michael N. Milby, Clerk of Court

By: Mercedes P. Lerma

Deputy Clerk

7/10/05 (11/22/91)

COURTROOM MINUTES:

☒ INITIAL APPEARANCE ☐ IDENTITY
☐ BOND HEARING ☐ PRELIMINARY HEARING
☐ DETENTION HEARING
☐ COUNSEL DETERMINATION HEARING
☐ HEARING CONTINUED ON _____

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF TEXA

FILED

4-28-06

MICHAEL N. MILBY, Clerk

THE HONORABLE CALVIN BOTLEY, Presiding
Deputy Clerk: Paul A. Yeberhetsky

OPEN: 3:31 ADJOURN: 3:37

VIDEO/Tape No: _____

☒ Other District ☐ Division New Mexico - AlbuquerqueINTERPRETER PRESENT ☒ No ☐ Yes

Case No. 05-1849

CRIMINAL NO. H-06-311M DEFT No. _____ USDJ _____

UNITED STATES OF AMERICA

vs HOLLY BRUNER

Stuart Burns, AUS
☐ Registry

Counsel for Detainees Appr - (A), Retn - (R), FPD - (C)

☒ kars Date of arrest: 4-28-06 or ☒ kars40
☒ kta Deft first appearance Deft advised of rights/charges ☐ Probation violator
☒ kdef ☒ Deft ☐ MW ☐ appeared ☐ with ☐ without counsel.
☒ kfinaff Requests appointed counsel.
☒ kfinaff FINANCIAL AFFIDAVIT executed.
☒ kbapptd Order appointing Federal Public Defender.
☒ k20appt Private Counsel appointed.
☐ Deft advises he will retain counsel. He retained _____

☐ ko(bnd.) Bond ☐ set \$ _____ ☐ Cash ☐ Surety ☐ 10% ☐ PR for ☐ Unsecured
☐ Surety signatures required _____

☒ kodtm No bond set at this time, 10 day DETENTION ORDER entered.
☒ kodtm ORDER OF TEMPORARY DETENTION PENDING HEARING entered.
☐ kodtm ORDER OF DETENTION PENDING TRIAL entered.

☐ kocondrls Deft advised of conditions of release.☒ kbnd BOND EXECUTED, ☐ BOND CONTINUED (☐ State Authorities, ☐ ENS)☒ kloc(LC) ☒ Deft ☐ MW REMANDED to CUSTODY.☐ ko Deft ORDERED REMOVED to Originating District.☐ kwvprl WAIVER of ☐ Preliminary WAIVER of ☐ Detention ☐ kwv4Chrg Waiver of Rule 40 Hearing☐ Court finds PROBABLE CAUSE ☐ ID ☐ PC.☐ karr Arraignment set ☒ kdrhrg Detention Hearing set AT 10:00☐ kprlrm Preliminary set ☐ kbndhrg Bond Hearing set _____☐ krmkna Counsel Determination Hearing set _____☒ krmvhr Identity/Removal Hearing set Wed 5-3-06 At 10:00☐ Deft failed to appear. Oral ORDER for ISSUANCE OF BENCH WARRANT. Bond FORFEITED. (kloc./LR)☐ See reverse for additional proceedings and attorneys addresses.TRUE COPY I CERTIFY
ATTEST:

Michael N. Milby, Clerk of Court

By: Mercedes P. Lerma
Deputy Clerk5-3-06
Wed MAY 3rd
At 10:00